

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FREDERICK LYNCH,

Plaintiff,

vs.

CAVALRY SPV, LLC
FREDERICK J. HANNA &
ASSOCIATES, PC,

Defendant.

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) CIVIL ACTION FILE
) NO.: 1:14-cv-03811-AT-GGB
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**ANSWER OF DEFENDANT FREDERICK J. HANNA &
ASSOCIATES, PC**

COMES NOW, Defendant FREDERICK J. HANNA & ASSOCIATES, PC (hereinafter “HANNA”), by and through the undersigned counsel, and hereby files its Answer to the Complaint for damages in the above-captioned case, and shows this Court the following:

FIRST DEFENSE

Plaintiff's claims fail to state a claim upon which relief may be granted.

SECOND DEFENSE

Plaintiff's claims may be subject to an arbitration agreement requiring him to submit his claims to mandatory and binding arbitration.

THIRD DEFENSE

Plaintiff's claim fails due to the expiration of the statute of limitations.

FOURTH DEFENSE

Any violation of the Fair Debt Collection Practices Act (FDCPA) by HANNA, which is hereby specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

FIFTH DEFENSE

For its fifth defense, HANNA responds to the enumerated paragraphs of the complaint as follows:

NATURE OF ACTION

(1)

HANNA admits that Plaintiff attempts to assert the enumerated claims in his Complaint, however, any violation of any of the enumerated statutes is denied.

(2)

The allegations set forth in paragraph 2 of the Complaint are hereby denied.

JURISDICTION AND VENUE

(3)

The allegations set forth in paragraph 3 of the Complaint are hereby admitted.

PARTIES

(4)

The allegations set forth in paragraph 4 of the Complaint are hereby admitted.

(5)

HANNA admits that it has a physical address of 2253 Northwest Parkway, Marietta, GA 30067, and that its agent for service is Frederick J. Hanna at the same address. Defendant is without sufficient information to admit or deny the remaining allegations set forth in paragraph 5 of the Complaint.

(6)

The allegations set forth in paragraph 6 of the Complaint are hereby denied.

FACTUAL ALLEGATIONS

(7)

The allegations set forth in paragraph 7 of the Complaint are hereby denied.

(8)

The allegations set forth in paragraph 8 of the Complaint are hereby denied.

(9)

The allegations set forth in paragraph 9 of the Complaint are hereby denied.

COUNT I - FDCPA

(10)

Paragraph 10 of the complaint contains no allegations, as such, no response is required.

(11)

The allegations contained in paragraph 11 of the complaint are hereby denied.

COUNT II - FCRA

(12)

The allegations contained in paragraph 12 of the complaint are hereby denied.

COUNT III - TCPA

(13)

The allegations contained in paragraph 13 of the complaint are hereby denied.

FACTS

The allegations contained in the “Facts” portion of the complaint are hereby denied.

SIXTH DEFENSE

Any allegations contained in Plaintiff’s complaint not expressly admitted or denied herein are hereby denied.

WHEREFORE, having fully answered Plaintiff’s Complaint, Defendant HANNA demands judgment in its favor, that Plaintiff’s Complaint be dismissed

with prejudice, that all costs be cast upon Plaintiff, that it be awarded reasonable attorney fees and costs as provided for under applicable law and for such other relief as this Court deems just and proper.

This 16th day of December, 2014.

Respectfully submitted.

**FREDERICK J. HANNA &
ASSOCIATES, PC**

By: s/ Scot W. Groghan
Georgia Bar Number 142250

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Frederick Lynch
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This 16th day of December, 2014.

Respectfully submitted.

**FREDERICK J. HANNA &
ASSOCIATES, PC**

By: s/ Scot W. Groghan
Georgia Bar Number 142250
Attorney for Defendant